

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NEW YORK**

LEO MAY,)	
)	
Plaintiff)	Case No.: 1:14-cv-00226
)	
v.)	DECLARATION OF
)	CRAIG THOR KIMMEL
VIRTUOSO SOURCING GROUP, INC.,)	
)	
Defendant)	
_____)	

CRAIG THOR KIMMEL declares as follows:

1. I am counsel for Plaintiff, Leo May, in the above-captioned action. This Declaration is submitted in support of Plaintiff's Request for Default Judgment.

A. QUALIFICATIONS OF COUNSEL

2. I am the founding partner of the firm and in charge of the Fair Debt Collection Practices Act ("FDCPA") practice group.

3. While my practice entails a variety of consumer related litigation, my primary focus for the last several years has been FDCPA and other "debt" related claims.

4. Kimmel & Silverman, P.C. is a small practice with several offices but a main office located in Ambler, Pennsylvania. We are currently 11 attorneys in all. I am one of two partners.

5. The practice was opened in 1991 for the purpose of representing consumers, specifically in cases involving fee-shifting claims, allowing us to help our clients without direct charge to them.

BAR ADMISSIONS

6. I have been admitted to practice law since 1989. I have been admitted to practice before the Supreme Court of Pennsylvania since December 7, 1989; the Supreme Justice Court of Massachusetts since September 13, 2005; the State of New York Supreme Court since February 25, 1997; the United States District Court for the Eastern District of Pennsylvania since October 1, 1991; the United States District Court for the Western District of Pennsylvania since May 11, 2010; the United States District Court for the Middle District of Pennsylvania since October 1, 2006; the United States District Court for the District of Massachusetts since October 20, 2009; the United States District Court for the Southern District of New York since January 6, 2010; the United States District Court for the Western District of New York since January 21, 2010; the United States District Court for the Northern District of New York since March 22, 2010; the United States District Court for the Eastern District of Texas since May 18, 2010; the United States District Court for the District of Colorado since May 17, 2010; the United States District Court for the Northern District of Illinois since March 27, 2013; and the Northern District of Florida on April 9, 2013.

LEGISLATIVE CONTRIBUTIONS

7. Since 1997, I have served as legal consultant to the Pennsylvania House of Representatives, Consumer Affairs Committee, and have been credited with writing the first Computer Lemon Law bill, which has served as a model not only for Pennsylvania, but for Illinois, Connecticut and California.

8. I have also worked with the Commonwealth of Pennsylvania in writing the only two amendments to the Pennsylvania Lemon Law: inclusion of leased vehicles and notice provisions involving reacquired vehicle sales.

EXPERIENCE

9. Since 1989, I have personally represented many thousands of consumers in all aspects of litigations including numerous jury trials and arbitrations as well as class actions.

10. I have also briefed and argued cases before the United States Court of Appeals for the Third Circuit in matters of national impact, specifically relating to 16 CFR 703 and the American Arbitration Act of 1929.

11. Prior to forming Kimmel & Silverman P.C. in 1991, I was a solo practitioner at the Law Offices of Craig Thor Kimmel from January 1990 through October 1991.

12. Prior to that I was an associate at Rush & Seiken from August 1989 to June 1990 and with Mannoth & Lewinter from June 1990 to June 1991.

QUOTED/FEATURED/CONTRIBUTED

13. I have been interviewed more than 200 times for newspapers, magazines, television and radio, as well as being regularly featured as consumer correspondence on various programs and talk shows. I have been quoted as authority on consumer law issues in at least one book, titled "Guide to Windows Me" p. 80, Levin, R.; Dorling Kindersley Publishing (2001).

CLE PRESENTATIONS

14. I have presented Continuing Legal Education seminars for the Pennsylvania Bar Association and have spoken for and on behalf of professional organizations across the country more times than I can recall.

EDUCATION

15. My Bachelor of Arts was earned from Ursinus College, Collegeville, Pennsylvania in 1986

16. My Doctorate was conferred by Widener University School of Law in Wilmington, Delaware in 1989.

B. MARKET RATE

17. My hourly billable rate is \$425.00 for consumer claims generally, which includes FDCPA litigation. For this matter, consistent with rates approved in this District I have reduced my hourly rate to \$225.00 per hour. That is a fair, reasonable, market rate for an attorney of similar credentials and experience in consumer credit matters in this District.

18. I have litigated thousands of claims, mostly individual claims arising under consumer protection statutes, including the FDCPA.

19. Ms. Vargas has been a paralegal with my first for almost one year. Prior to joining my firm she was a paralegal with Sonick and Levin in Jenkintown, Pennsylvania for over two years. She also has a paralegal Associates degree from Manor College, which she earned in 2010. She currently bills at \$165 per hour. However for this matter I reduced her rate to \$80.00 per hour, which is fair and reasonable in this District.

C. HOURS SPENT

20. My firm uses an advanced electronic timekeeping system (Amicus Attorney) that records and tracks file time expended contemporaneous with events. The policy and practice of the firm and its members is to record time contemporaneously, on a daily basis, without fail.

21. My total time expended in this matter is 1.6 hours, totaling \$360.00. This time was spent conferring with other attorneys in my firm to aid in the successful litigation of this matter. *See* Exhibit “A”.

22. The time prosecuting this matter was reasonable and necessary, in my professional opinion and experience. I do not see how less time could have been expended with the same quality of work product even accounting for efficiencies realized from experience in consumer litigation matters.

D. EXPENSES

23. Plaintiff incurred \$530.00 in expenses. This included \$400.00 for the filing fee charged by the Court, and two charges of \$65.00 for attempts to serve Defendant in this matter.

I declare under penalty of perjury under the laws of the United States and the State of New York that the foregoing is true and correct.

Executed on October 17, 2014 in Ambler, Pennsylvania.

By: /s/ Craig Thor Kimmel
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